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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/686,275      | 10/10/2000  | Gary Levenberg       | KID-01201           | 5894             |

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT PAPER NUMBER

3713

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/686,275

Applicant(s)

LEVENBERG, GARY

Examiner

Binh-An D. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/8/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The Amendment filed in Paper No. 5, July 8, 2003 has been received. According to the Amendment, claims 1, 5, 10, 16, and 17 are amended. Currently, claims 1-21 are pending in the application. Acknowledgment has been made.

2. Claims 10-21 are objected to because of the following informalities:

In claim 10, line 3, the comma (,) after "main body" should be deleted.

Claim 16 is unclear since it does not include a term such as "comprising" to define where the preamble ends and the body of the claim starts.

Appropriate correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hongo (5,766,077) in view of Takasaka et al. (5,967,898).

Hongo, teaches a video game system comprising an output screen; video controller having control button to manipulate images on a remote screen through a power cord; video game software interfacing between the video game controller and the output screen (Figure 1); a pair circular base plates formed on a top face of the main

Art Unit: 3713

body and spaced from each other a predetermined distance (controllers 11, 13); and two projections formed on a rear face of the main body; the control buttons of the controller are formed on the base plates, the projections, and the top face of the main body of the controller; and the controller comprises a pair of push buttons formed on the top face of the main body, a pair of handgrips formed on opposite ends of the main body, and a power cord extending from the rear face of the main body for electrically connecting the controller to the video game system (Figure 1). See also, Figures 1-11 and columns 1-15.

Hongo does not explicitly teach the limitations of a video game system comprising interactive video game controller adapter engaged with the video game controller and shaped to simulate the real-life activity emulated by the video game (claims 1, 5, and 16); the adapter has input controls shaped to simulate the real-life activity emulated by the video game (claims 2 and 6); the control buttons of the video game controller are activated when the corresponding input controls of the adapter are activated (claims 3 and 7).

Takasaka et al., however, teaches a video game system comprising interactive video game controller adapter (302, 402, 502) engaged with the video game controller and shaped to simulate the real-life activity emulated by the video game, i.e., keyboard tablet, clock tablet, soccer game tablet, etc. (12:14-49; 14:1-61; and 15:23-18:52); the adapter has input controls shaped to simulate the real-life activity emulated by the video game; the control buttons of the video game controller are activated when the

Art Unit: 3713

corresponding input controls of the adapter are activated (Figures 6,9,11, and 13-15).

See Figures 1-18 and columns 1-18.

Further, regarding the limitation of providing different adapter for each different video game of the video game system (claims 4 and 8), this limitation is design choice since each game has different theme and characters and the adapter may be shaped to match a certain type of characters of the game.

Furthermore, regarding the limitation of using the controller with a Sony Playstation™ video game system (claim 9), this limitation is obvious such as to enable the use of the controller with different game systems.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the controller adapter, as taught by Hongo, with the game controller of Takasaka et al. to come up with a more interesting video game system that provides user friendly interfaces thus attract more game players and increase sales of the game adapters as well as video games.

5. Claims 13-15 and 19-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Applicant's arguments with respect to claims 1-12 and 16-18 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3713

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Baer (4,540,176) teaches a user interface device for interfacing with a microprocessor driving a video display.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

BN

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700